

Article - Real Property

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§14–124.

(a) (1) In this section the following words have the meanings indicated.

(2) “Community association” means a Maryland nonprofit association, corporation, or other organization that is located exclusively in an area of the county that is outside of a municipal corporation and:

(i) Is comprised of at least 25% of adult residents of a local community consisting of 40 or more individual, contiguous households as defined by specific geographic boundaries in the bylaws or charter of the association;

(ii) Requires, as a condition of membership, the voluntary payment of monetary dues at least annually;

(iii) Is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;

(iv) Has been in existence for at least 2 years when it files suit under this section;

(v) Is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; and

(vi) In the case of a Maryland corporation, is in good standing.

(3) “Local code violation” means a violation under the following provisions of the Prince George’s County Code as amended from time to time or under any applicable code relating to the following provisions incorporated into the Prince George’s County Code by reference:

(i) Animal control regulations (§ 3-131 et seq.) and other rules, regulations, and standards (§ 3-175 et seq.) under Subtitle 3;

(ii) Building Code under Subtitle 4, Division 1;

(iii) Fire Prevention Code under Subtitle 11, Division 4;

(iv) Pest control provisions under Subtitle 12, Division 5;

(v) Housing Code, property standards and maintenance, and antilitter and weed ordinance, under Subtitle 13, Divisions 1, 7, and 9, respectively;

(vi) Sewage disposal nuisances under Subtitle 22, Division 3, Subdivision 3; and

(vii) Abandoned vehicles under Subtitle 26, Division 14.

(4) “Nuisance” means, within the boundaries of the community represented by the community association, an act or condition knowingly created, performed, or maintained on private property that constitutes a local code violation and that:

(i) Significantly affects other residents of the neighborhood;

(ii) Negatively impacts the value of neighboring property; and

(iii) 1. Is injurious to public health, safety, or welfare of neighboring residents; or

2. Obstructs the reasonable use of other property in the neighborhood.

(b) This section only applies to a nuisance located within the boundaries of Prince George’s County.

(c) (1) A community association may seek injunctive and other equitable relief in the circuit court for abatement of a nuisance upon showing:

(i) The notice requirements under paragraphs (2) and (3) of this subsection have been satisfied; and

(ii) The nuisance has not been abated.

(2) (i) An action may not be brought under this section based on a nuisance until 60 days after the community association gives notice of the violation and of the community association’s intent to bring an action under this section by certified mail, return receipt requested, to the applicable local enforcement agency.

(ii) An action under this section may not be brought if the applicable code enforcement agency has filed an action for equitable relief from the nuisance.

(3) (i) An action may not be brought under this section until 60 days after the tenant, if any, and owner of record receive notice from the community association that a nuisance exists and that legal action may be taken if the nuisance is not abated.

(ii) The notice shall specify:

1. The nature of the alleged nuisance;
2. The date and time of day the nuisance was first discovered;
3. The location on the property where the nuisance is allegedly occurring; and
4. The relief sought.

(iii) The notice shall be provided to the tenant, if any, and the owner of record in the same manner as service of process in a civil in personam action under the Maryland Rules.

(iv) In filing a suit under this section, an officer of the community association shall certify to the court:

1. What steps the community association has taken to satisfy the notice requirements under this subsection; and
2. That each condition precedent to the filing of an action under this section has been met.

(4) A proceeding under this section shall:

- (i) Take precedence on the docket;
- (ii) Be heard at the earliest practicable date; and
- (iii) Be expedited in every way.

(d) A political subdivision of the State or any agency of a political subdivision may not be subject to any action brought under this section or an action resulting from an action brought under this section against a private property owner.

(e) (1) Subject to paragraph (2) of this subsection, this section may not be construed to abrogate any equitable or legal right or remedy otherwise available under the law to abate a nuisance.

(2) This section may not be construed as granting standing for an action:

(i) Challenging any zoning application or approval;

(ii) In which the alleged nuisance consists of:

1. A condition relating to lead paint; or

2. An interior physical defect of a property;

(iii) Involving any violation of alcoholic beverages laws under the Alcoholic Beverages Article; or

(iv) Involving any matter in which a certificate, license, permit, or registration is required or allowed under the Environment Article.

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